

REMARKS

Claims 1-11 and 28-37 are pending in the application. Claims 1-6, 28-31, and 33-35 stand rejected under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement. Claims 7-11, 32, and 36-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0012519 to Durst et al.

Reconsideration is requested. The rejections are traversed. No new matter is added. Claims 1, 7, and 11 are amended. Claims 38 and 39 are added. No new subject matter is added. Claims 1-11 and 28-39 remain in the case for consideration.

Claim Rejections - 35 U.S.C. § 112

Claim 1-6, 28-31, and 33-35 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The applicant traverses the rejections.

The Applicant does not agree with the Examiner that the feature “single signal” is not supported in the Specification. In this regard, see for example Figure 4 and the accompanying description at Page 8, line 27 to page 9, line 6, which only mentions *a signal* emanating from each access point. There is no language in the specification to support the notion that the signal emanating from each access point (AAAA and BBBB) in Figure 4 is actually multiple signals. MPEP § 2163.02 states that “[t]he subject matter of the claim need not be described literally (i.e., using the same terms or in *haec verba*) in order for the disclosure to satisfy the description requirement.” Figure 4, taken in conjunction with the accompanying description, discloses a single signal emanating from an access point, as recited in the claims. Therefore, the Applicant believes the claims are allowable under 35 U.S.C. § 112, ¶ 1.

Claim Rejections - 35 U.S.C. § 102

Claims 7-11, 32, and 36-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Durst, et al. (2204/0012519). The applicant traverses the rejections.

Durst teaches “a device for determining the location or position of a pet by utilizing the capabilities of two-way paging systems and satellite navigation systems.” See Durst paragraph [0002]. The device of Durst essentially consists of two components; a base station and a mobile unit, with the mobile unit being worn by the pet. See Durst paragraph [0023] and [0025]. Durst does not teach that its mobile unit contains any sort of display or capability of providing any readout to a user (the pet, in the described embodiment).

In contrast, the present application discloses a method of using a mobile device that determines the position of a user (for instance, an attendee at a trade show) and relays information to the user specific to the user's location. *See* Specification page 4, line 23 to page 5, line 11 and claim 7.

Regarding claim 7, the claim recites “presenting data to a user on the mobile device, the data contingent on the location of the mobile device in an environment.” As mentioned above, Durst does not teach presenting data to the user of its mobile device. Nor would there be any reason to present any data to the user in Durst, because in the described embodiment in Durst, the “user” of the mobile device is a pet. *See* Durst paragraph [0030]. A pet would have no use for any such data. The Office Action proposes that this feature is taught by Durst in FIGs. 1 and 7, elements 42 and 130, and paragraph [0048]. *See* Office Action paragraph 8. However, paragraph [0048] of Durst does not say anything about presenting data to a user of a mobile device. Further, elements 42 and 130 of FIGs. 1 and 7 are an object locator and an imaginary boundary, respectively. *See* Durst paragraphs [0048] and [0049]. Durst does not teach that either the object locator or the imaginary boundary presents data to a user. For at least the reasons identified above, claim 7, and its dependent claims 8-11, 32, and 36-37, are allowable over Durst.

Further, several of the features claimed in the dependent claims are not taught in Durst and the Office Action has not identified what features of Durst are considered to be equivalent to these features. The claimed features include:

- Claim 8 – “logging an activity includes logging an input to the mobile device by the user.” It’s not clear how the pet in Durst would input data into the mobile device even if this feature had been disclosed.
- Claim 9 – “logging the data presented to the user.” No data is presented to the user in Durst.
- Claim 36 – “logging an input to the mobile device by the user.” Same issue as claim 8.
- Claim 37 – “a second mobile device in the location.” Durst does not disclose a second mobile device.

For these additional reasons, these dependent claims are allowable over Durst.

The Office Action has not proposed that any of the remaining claims (1-6, 28-31, and 33-35) are anticipated by Durst, but Applicant submits that these claims are allowable over

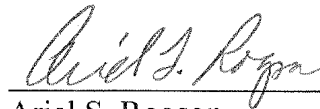
Durst for at least the same reasons identified above with respect to claim 7 and its dependents.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-11 and 28-37 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Ariel S. Rogson", is written over a horizontal line.

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